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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,729

03/14/2005

Ralph Stripling

OT-5075

8865

26584

7590

07/06/2006

OTIS ELEVATOR COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
10 FARM SPRINGS
FARMINGTON, CT 06032

EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/527,729	Applicant(s) STRIPLING ET AL.	
	Examiner Leslie A. Nicholson III	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5,9,10 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant has successfully disqualified reference USP 6,868,956 under 35 U.S.C. 103(c) by showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as 10/527729 at the time this invention was made.

Due to Applicant's amendments, all 35 USC 112 2nd paragraph rejections are hereby withdrawn.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "32" has been used to designate two different parts in figure 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.

- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2,3,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuffel USP 6,450,316 (or Kubota USP 5,622,246) in view of Kotkata USP 4,863,006.

Regarding claims 1-4, Stuffel discloses a similar people mover comprising:

- An endless tread belt formed from several tread elements (24) connected to one another, which is driven by a drive unit about a first and second reversal point (at least fig.1,6)
- A side skirt (50) on the tread elements comprising flange elements (16) joined to the tread belt and bridge elements (44) connected movably to the flange elements
- A plurality of marking elements (edges of the side skirts) arranged in a line on the side skirt along the circulating direction and having a limited width perpendicular to the circulating direction

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- A rib (34,44) provided on each of the flange elements and bridge elements of the side skirt, wherein the ribs are arranged in series essentially along a straight line in a linear area of the people mover (at least fig.1)

Regarding claims 1-4,10, Kubota discloses a similar people mover comprising:

- An endless tread belt formed from several tread elements connected to one another, which is driven by a drive unit about a first and second reversal point (at least fig.1)
- A side skirt (combination of elements 410-430,512,523,811-831) on the tread elements comprising flange elements (410,430) joined to the tread belt and bridge elements (412, 423) connected movably to the flange elements
- A plurality of marking elements (811,821) arranged in a line on the side skirt along the circulating direction and having a limited width perpendicular to the circulating direction
- A rib (O_{41} , O_{42} , O_{43}) provided on each of the flange elements and bridge elements of the side skirt, wherein the ribs are arranged in series essentially along a straight line in a linear area of the people mover (at least fig.1)
- The plurality of marking elements are clips and a clip is provided for each flange element or bridge element (fig.1)

Stuffel (or Kubota) does not expressly disclose a sensor arranged adjacent to the

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side skirt, the sensor having a limited detection range perpendicular to a circulating direction of the side skirt, wherein the sensor is a noncontact sensor.

Kotkata teaches a sensor (10) arranged adjacent to the side skirt, the sensor having a limited detection range perpendicular to a circulating direction of the side skirt, wherein the sensor is a noncontact sensor, for the purpose of detecting a problem with the escalator (at least C2/L26-50).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a sensor arranged adjacent to the side skirt, the sensor having a limited detection range perpendicular to a circulating direction of the side skirt, wherein the sensor is a noncontact sensor, as taught by Kotkata, in the device of Stuffel (or Kubota), for the purpose of detecting a problem with the escalator.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stuffel USP 6,450,316 (or Kubota USP 5,622,246) in view of Stoxen USP 6,601,688.

Stuffel (or Kubota) discloses all the limitations of the claim, but does not expressly disclose the sensor being that of a magnetic sensor.

Stoxen teaches a sensor being that of a magnetic sensor (C2/L12-14) for the purpose of the sensor detecting the metallic material of the marking element.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the use of a magnetic sensor, as taught by Stoxen, in the device of Stuffel (or Kubota), for the purpose of the sensor detecting the metallic material of the marking element.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hauer USP 6,868,956 (or Kubota USP 5,622,246) in view of Spannhake USP 6,267,219.

Hauer (or Kubota) discloses all the limitations of the claim, but does not expressly disclose two of the sensors connected in series.

Spannhake teaches two of the sensors connected in series for the purpose of the software program identifying the data signal at a circuit level (C3/L4-19).

At the time of invention it would have been obvious to one having ordinary skill in the art to have two of the sensors connected in series, as taught by Spannhake, in the device of Hauer (or Kubota), for the purpose of the software program identifying the data signal at a circuit level.

Allowable Subject Matter

8. Claims 6,7 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 (2nd paragraph) and 35 USC 102 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

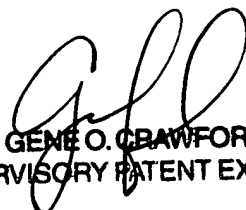
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.
6/27/2006


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER